UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,074	08/19/2003	Robert L. Alcorn	072575-0048	3054

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MCDERMOTT, WILL & EMERY
4370 LA JOLLA VILLAGE DRIVE, SUITE 700
SAN DIEGO, CA 92122

EXAMINER
NGUYEN, PHILLIP H

ART UNIT	PAPER NUMBER
2191	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/643,074	ALCORN ET AL.
	Examiner	Art Unit	
	Phillip H. Nguyen	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 July 2007</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-16</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in respond to the amendment filed 7/19/2007.

2.   Claims 1-16 are pending in this application, with claims 1-6 amended, and claims

7-16 newly added.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-6 have been considered but are

moot in view of the new ground(s) of rejection.

Specification

4.   The amendment filed 7/19/2007 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment

shall introduce new matter into the disclosure of the invention. The added material

which is not supported by the original disclosure is as follows: Claim 13 recites "A

computer readable medium." The original disclosure provides no written description

regarding the "computer readable medium." For examination purposes, this computer

readable medium is referred to "electronic medium"

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6.   Claims 13-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter such as "A computer readable medium", which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For examination purpose, examiner interprets this computer readable medium as "electronic medium."

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7, 8 and 13-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 recites a system but it appears reasonable to interpret this system by one of ordinary skill in the art as software per se. Applicant's specification provides no explicit and deliberate definition of the components ("a user interface", "a plug-in manager" and "an authentication user interface") that make up the system other than they could be software components, which directed to functional descriptive material, per se, and are therefore non-statutory. Claim 8 directly depends on claim 7 and therefore suffers the same deficiency.

Claim 13 recites a computer-readable medium, which is disclosed in the specification to include "electronic medium" or "electronic network" (see page 3 of the specification), which includes signals. The specification provides intrinsic evidence that the computer-readable medium is intended to cover signals, such are currently not believed to enables the computer-readable medium to act as a computer hardware component and realized its functionality absent being in combination with the necessary hardware to receive and convert the signals to computer code. Claims 14-16 directly or indirectly depend on claim 13 and therefore suffer the same deficiency.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 1-5 and 7-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Helmick et al. (USPN 6,470,171).

<u>As per claim 1:</u>

Helmick teaches

installing on a server a file compatible with a known system application program interface (API), wherein the installed file utilizes the known API to provide a modified user interface to at least one user of the system (see at least

col. 7:39-41 "*Server 36 stores a database structure in secondary storage 50, for example, for storing and maintaining information for on-line educational courses*");

invoking an enhanced system functionality by using the modified user interface (see at least *FIGS. 3A-3X*);

specifying in the file one or more roles of a user that can utilize the enhanced system functionality (see at least col. 7:39-41 "*Server 36 stores a database structure in secondary storage 50, for example, for storing and maintaining information for on-line educational courses*");

determining if the user has rights to utilize the enhanced system functionality based on the role of the user (see at least col. 10:5-8 "*The system determines if the log-on is from an instructor or from a user, which may be determined by comparing information in the log-on request with information the database identifying authorized users and instructors. If an instructor logs on, the system displays an instructor view of a course home page such as home page screen 800. Otherwise, the system displays a user view of a course home page such as home page screen 842*"); and

if the user has rights, granting access to the user to utilize the enhanced system functionality (see at least col. 10:20-24 "*If the instructor or user is permitted access, the system displays an electronic syllabus in syllabus section 806 for a selected educational course and also displays an indication of content concerning educational materials for the course*").

As per claim 2:

Helmicks further teaches

storing the one or more roles into a system data repository (see at least

col. 7:39-41 *"Server 36 stores a database structure in secondary storage 50, for*

example, for storing and maintaining information for on-line educational

courses").

As per claim 3:

Helmicks further teaches

wherein the enhanced system functionality is provided by at least one of a

hyperlink and an icon (see at least *FIGS. 3A-3X*).

As per claims 4, 10 and 14:

Helmicks further teaches

wherein the one or more roles comprise at least one of user administrator,

course administrator, system support, observer, support, portal administrator,

system administrator, instructor, student and teacher's assistant (see at least

FIGS. 2A-2R).

As per claim 5:

Helmicks further teaches

denying access to the enhanced system functionality if the user does not
have access rights (see at least col. 10:19-20 *"If access is not permitted, the
system may display an error message"*).

As per claims 7, 9 and 13:

Helmicks further teaches

a user interface (see at least *FIGS. 3A-3X*);

a plug-in manager configured to add new functionality to the extensible
education system (see at least *FIG. 3K*; see also col. 19:51-55 *"Selection of an
add section 940 permits a user to add an entry..."*); and

an authentication user interface configured to verify a role of a user in the
extensible educational system, and grant or deny a user access to the new
functionality based on the role of the user in the extensible educational system,
wherein the role of a user comprises at least one of: user administrator, course
administrator, system support, observer, support, portal administrator, system
administrator, instructor, student and teacher's assistant (see at least col. 10:1-25
*"the system receives a log-on request by a user. The log-on request may
include, for example, a user's or instructor's name or other identifying information
along with an optional password. The system determines if the log-on is from an
instructor or from a user, which may be determined by comparing information in
the log-on request with information the database identifying authorized users and
instructors...The system determines if the instructor user is permitted access to*

the on-line educational system. If access is not permitted, the system may

display an error message. Otherwise, if the instructor or user is permitted

access, the system displays an electronic syllabus in syllabus section 806 for a

selected educational course and also materials for the course").

As per claims 8, 11 and 15:

Helmicks further teaches

wherein the plug-in manager and the authentication user interface are

invoked using the user interface (see at least *FIGS. 3A-3X*).

As per claims 12 and 16:

Helmicks further teaches

wherein the user interface is displayed by installing one or more files on a

server (see at least *FIGS. 3A-3X*).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helmick

et al. (USPN 6,470,171).

As per claim 6:

Helmicks does not explicitly teach

wherein the file is installed on the server by using a Java Archive file.

However, official notice is taken that the file is installed on the server by using a

Java Archive file is well known in the art at the time the invention was made to

compress plurality of files into one compressed file.

One would have been motivated to store/install the file using Java Archive File

because it provides security (e.g., a JAR file can be digitally signed enabling users to

verify the signature and then grant the program security privileges), decreased

download time (e.g., since the JAR file is compressed, it takes less time to download

than it would have to download each individual file), portability (e.g., all Java Runtime

Environments know how to handle Jar files), etc.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phillip H. Nguyen whose telephone number is (571)

270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM -

3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
9/29/2008
/Wei Y Zhen/
Supervisory Patent Examiner, Art Unit 2191